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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
13 Against:

14 **JULI KEIKO MINEMOTO**

15 Respondent.

Case No. 2012-195

OAH No. 2011110124

DEFAULT DECISION AND ORDER

[Gov. Code, § 11520]

16 **FINDINGS OF FACT**

17 1. On or about September 29, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs, filed Statement of Issues No. 2012-195 against Juli Keiko Minemoto
20 (Respondent) before the Board of Registered Nursing.

21 2. On or about August 30, 2010, Respondent filed an application dated August 19, 2010,
22 with the Board of Registered Nursing to obtain a Registered Nurse License.

23 3. On or about January 21, 2011, the Board issued a letter denying Respondent's
24 application for a Registered Nurse License. On or about February 21, 2011, Respondent appealed
25 the Board's denial of her application and requested a hearing.

26 4. On or about October 10, 2011, Praveen K. Singh, an employee of the Department of
27 Justice, served by Certified and First Class Mail a copy of the Statement of Issues No. 2012-195
28 Statement to Respondent, Request for Discovery, Government Code sections 11507.5, 11507.6,

1 and 11507.7, and Notice from Respondent/Applicant to Respondent's address on the application
2 form, which was and is 130 Kapualani Street, Hilo, Hawaii 96720. A copy of the Statement of
3 Issues is attached as exhibit A, and is incorporated herein by reference.

4 5. Service of the Statement of Issues was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c)

6 6. On or about February 21, 2011, Respondent appealed the denial of her application
7 and requested a hearing in this action. A Notice of Hearing was served by mail at Respondent's
8 address on the application and it informed her that an administrative hearing in this matter was
9 scheduled for March 20, 2012. On March 10, 2012, Respondent withdrew her request for a
10 hearing.

11 7. Business and Professions Code section 118 states, in pertinent part:

12 (a) The withdrawal of an application for a license after it has been filed with a
13 board in the department shall not, unless the board has consented in writing to such
14 withdrawal, deprive the board of its authority to institute or continue a proceeding
against the applicant for the denial of the license upon any ground provided by law or
to enter an order denying the license upon any such ground.

15 8. Government Code section 11506 states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the respondent
17 files a notice of defense, and the notice shall be deemed a specific denial of all parts
18 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

19 9. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
23 respondent; and where the burden of proof is on the respondent to establish that the
respondent is entitled to the agency action sought, the agency may act without taking
evidence.

24 10. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on
26 evidence on file herein, finds that the allegations, in Statement of Issues No. 2012-195 are true.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Juli Keiko Minemoto has
3 subjected her application for a Registered Nurse License to denial.

4 2. Service of Statement of Issues No. 2012-195 and related documents was proper and
5 in accordance with the law.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Board of Registered Nursing is authorized to deny Respondent's application for
8 licensure based upon the following violations alleged in the Statement of Issues:

9 a. Code section 480, and 2761, subdivision (f), criminal conviction;

10 b. Code section 480 subdivision (a)(3)(A), committed acts which if done by a
11 licensee constitute cause for discipline.

ORDER

IT IS SO ORDERED that the application for Registered Nurse License, filed by Respondent Juli Keiko Minemoto, is denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 27, 2012.

It is so ORDERED

June 26, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Statement of Issues No. 2012-195

Exhibit A

Statement of Issues No. 2012-195

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ANAHITA S. CRAWFORD
Deputy Attorney General
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7 *Attorneys for Complainant*

8 BEFORE THE
9 BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues
12 Against:

13 JULI KEIKO MINEMOTO
130 Kapaulani Street
14 Hilo, Hawaii 96720

Case No. 2012-195

STATEMENT OF ISSUES

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
20 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 Application for Licensure

23 2. On or about August 30, 2010, the Board received an Application for Licensure by
24 Endorsement from Juli Keiko Minemoto ("Respondent"). On or about August 19, 2010, Juli
25 Keiko Minemoto certified under penalty of perjury to the truthfulness of all statements, answers,
26 and representations in the application. The Board denied the application on January 21, 2011.

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1 a. On or about October 14, 2002, in the Circuit Court of the Third Circuit, State of
2 Hawaii, in the matter entitled *State of Hawaii vs. Julie Minemoto*, 1999, Case No. 00-1-357,
3 Respondent was convicted following her plea of nolo contest to a violation of Section 708-820,
4 subdivision (1)(b) Hawaii Revised Statutes, (property damage in the first degree). The
5 circumstances of the crime are that on or about October 26, 1999, Respondent poured flammable
6 liquids onto the carpeted floor areas, vinyl flooring, and bedding areas throughout the residence
7 of her then boyfriend's home. Respondent turned on the stove switches causing an ignition of the
8 flammable material resulting in an explosion and subsequent fire, destroying the residence.

9 **SECOND CAUSE FOR DENIAL OF APPLICATION**

10 **(Committed Acts Which if Done by a Licentiate Constitute Cause for Discipline)**

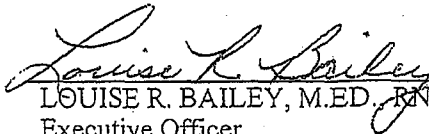
11 7. Respondent's application is subject to denial pursuant to Code section 480.
12 subdivision (a)(3)(A), in that Respondent committed acts which if done by a licentiate constitute
13 cause for discipline pursuant to Code section 2761, subdivision (f).

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Denying the application of Juli Keiko Minemoto for a Registered Nurse License; and,
18 2. Taking such other and further action as deemed necessary and proper.

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21 DATED: September 29, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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